

JEFFERSON COUNTY SCHOOLS,
Plaintiff,
v.
TENNESSEE RISK MANAGEMENT TRUST
and THE TRAVELERS INDEMNITY COMPANY,
Defendants.

No. _____
JURY DEMANDED

COMES NOW DEFENDANTS, Tennessee Risk Management Trust and The Travelers Indemnity Company, by and through counsel, and notify the Judges of the United States District Court for the Eastern District of Tennessee, the clerk of the Chancery Court of Jefferson County, Tennessee, and Plaintiff, Jefferson County Schools, that the action described herein and filed in the Chancery Court of Jefferson County, Tennessee, is removed to the United States District Court for the Eastern District of Tennessee, Northern Division pursuant to 28 U.S.C. § 1441. Defendants both consent to removal to this Court.

1. On October 1, 2014, Plaintiff, Jefferson County Schools, filed a civil action bearing Docket No. 14-CV-120, in Chancery Court for Jefferson County, Tennessee against Defendants, The Travelers Indemnity Company and Tennessee Risk Management Trust.

2. Plaintiff filed this action for proceeds allegedly due under contracts of insurance with Defendants, insuring real property in Jefferson County, Tennessee which suffered a loss due to a structural collapse following heavy rain on July 7, 2013. More specifically, Plaintiff alleges that it is owed additional monies to perform repairs to

undamaged portions of the real property in order to bring the property into compliance with certain standards.

3. The Travelers Indemnity Company seeks removal of this action to this Court under 28 U.S.C. § 1332, upon the grounds that the actual controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of the interest and costs. Specifically, the complaint seeks damages of \$800,000 and a declaratory judgment regarding insurance coverage.

4. Plaintiff Jefferson County Schools, is a local governmental entity and a citizen of the State of Tennessee, and was a citizen of Tennessee at the time of the filing of this action and at the time of removal. Defendant, The Travelers Indemnity Company, is a Connecticut Corporation with its Principal Place of Business in Hartford, Connecticut.

5. As more fully set forth in the Memorandum of Law in Support of Notice of Removal filed contemporaneously herewith (**Exhibit C**), Plaintiff has fraudulently and improperly joined as a co-defendant Tennessee Risk Management Trust, which is a local government insurance pool program and Tennessee citizen, in an attempt to prevent removal of this action to this court. Although Plaintiff was a member in Tennessee Risk Management Trust which provided certain insurance coverage to Plaintiff, the undisputed facts of this case clearly show that Tennessee Risk Management Trust has fully performed all contractual obligations by paying its maximum insurance policy limits. It is clear, therefore, that Plaintiff cannot establish a cause of action against Tennessee Risk Management Trust in the Chancery Court for

Jefferson County, Tennessee, and there is no reasonable basis for predicting that Tennessee law might impose liability on Tennessee Risk Management Trust on the facts involved. Tennessee Risk Management Trust should be dismissed from this action under the doctrine of fraudulent joinder. Plaintiff is thus seeking recovery of \$800,000 solely from the removing party.

6. This notice is filed within the time prescribed by 28 U.S.C. §1446(b) and all defendants consent to this Removal. Defendant Tennessee Risk Management Trust appears to have been served on October 7, 2014 and Defendant Travelers Indemnity Company was served through its registered agent, Corporation Service Company, on October 10, 2014.

7. A copy of the Summons and Complaint, being all the papers served upon Defendants, are attached hereto as **Exhibit A** and **Exhibit B**.

8. A Corporate Disclosure Statement is also filed contemporaneously herewith.

WHEREFORE, Notice is hereby given that the said civil action number 14-CV-120 is removed from the Chancery Court for Jefferson County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, PLC

By: **s/ Russell E. Reviere**

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this, the 3rd day of November, 2014, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing report. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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This the 3rd day of November, 2014.

s/ Russell E. Reviere